

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

WILLIAM EDWARD POWELL,)	
)	
Plaintiff,)	
)	
v.)	
)	
COMERICA BANK HEADQUARTERS,)	
)	
Defendant.)	Civil Action No. 3:16-CV-2304-C

ORDER

Plaintiff, William Edward Powell, proceeding *pro se* and *in forma pauperis*, filed a Complaint on August 9, 2016, and the case was referred to the United States Magistrate Judge for screening. The Magistrate Judge entered his Findings, Conclusions, and Recommendation on September 22, 2016, recommending that the case be dismissed for failure to state a claim upon which relief can be granted. Powell filed his Objections on October 6, 2016, together with a Motion to Allow Plaintiff to Utilize the CM/ECF System.

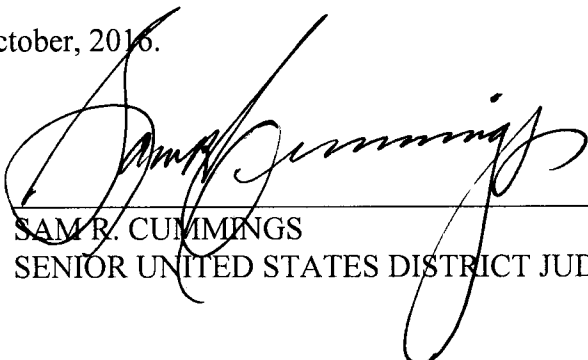
The Magistrate Judge found that Powell had failed to state a claim upon which relief can be granted because his pleading does not plausibly show that Defendant committed any acts or omissions that would be a violation of 26 U.S.C. § 6103 or 29 U.S.C. § 1109. *See Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 570 (2007); *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009).

Powell objects specifically to the Magistrate Judge's final conclusion that the Complaint contains no facts showing that ERISA (29 U.S.C. § 1109) applies to Powell's request for documents from the Defendant in this case. Powell supports this objection by reiterating pleadings from his

Complaint and explaining his difficulty in obtaining certain tax documents from the Defendant. But Powell offers no legal argument as to why ERISA is applicable to his request for these tax documents, and his arguments addressing fiduciary duties in general do not illustrate how any specific fiduciary duty under ERISA was created in this case. The Court is of the opinion that Plaintiff has not shown how he has a plausible claim to relief under ERISA and Plaintiff's objections should thus be **OVERRULED**.

It is, therefore, **ORDERED** that the findings and conclusions in the Recommendation are hereby **ADOPTED** as the findings and conclusions of the Court, and the above-styled and -numbered civil action is **DISMISSED without prejudice**. Plaintiff's Motion to Allow Plaintiff to Utilize the CM/ECF System is **DENIED as moot**, and all relief not expressly granted by this Order is **DENIED**.

SO ORDERED this 13th day of October, 2016.



SAM R. CUMMINGS
SENIOR UNITED STATES DISTRICT JUDGE